

The Commonwealth of Massachusetts

DEPARTMENT OF

TELECOMMUNICATIONS AND ENERGY

LEGAL NOTICE OF RULEMAKING

D. T. E. 98-32-E

Rulemaking, pursuant to G.L. c. 164, and c. 25, to establish rules governing the unbundling of services related to the provision of natural gas.

On July 18, 1997, the Department of Telecommunications and Energy ("Department") directed the ten investor-owned natural gas local distribution companies (collectively "LDCs") to initiate an industry-wide collaborative process to develop a common set of principles for the comprehensive unbundling of the Commonwealth's natural gas industry. On April 7, 1998, the Department voted to open a Notice of Inquiry, docketed as D.T.E. 98-32, in order to investigate various issues raised in the Collaborative.

On November 3, 1999, Bay State Gas Company, The Berkshire Gas Company, Blackstone Gas Company, Boston Gas Company, Colonial Gas Company, Commonwealth Gas Company, Essex Gas Company, Fall River Gas Company, Fitchburg Gas and Electric Light Company and North Attleboro Gas Company filed with the Department a Petition for Adoption of Regulations ("Petition"), pursuant to 220 C.M.R. § 2.02, to establish rules governing the unbundling of services related to the provision of natural gas. According to the Petitioners, the proposed regulations are necessary for the provision of unbundled distribution and supplier service for the LDCs and for competitive suppliers serving customers within the service territories of those companies (Petition at 1-2).

On December 17, 1999, the Department concluded that final regulations are necessary in order for the LDCs and competitive suppliers to commence the delivery of unbundled services to all consumers of natural gas in the Commonwealth. Accordingly, the Department determined to schedule the Petition for further proceedings in accordance with 220 C.M.R. § 2.05. The Department has docketed this matter for investigation as D.T.E. 98-32-E.

The proposed regulations govern the unbundling of services related to the provision

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of natural gas. Accordingly, the proposed regulations include (A) general definitions, (B) natural gas local distribution company requirements, (C) supplier and retail agent requirements, (D) information disclosure requirements, (E) complaint and damage claim resolution; penalties, and (F) exceptions.

A copy of the proposed regulations are available for public inspection and/or purchase during business hours at the Department's offices, One South Station, Boston, Massachusetts. In addition, an electronic copy is available on the Department's website, <http://www.magnet.state.ma.us/dpu/gasunb.htm>.

The Department will accept written comments on the proposed regulations until 5:00 p.m. Friday, January 28, 2000. All written comments shall be limited in length to a maximum of 20 one-sided, double-spaced type-written pages. Kindly submit twelve (12) copies of all comments to Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110. Receipt by the Department, not mailing, constitutes filing and determines whether comments have been timely filed.

In addition, an electronic copy of all comments must be provided, by one of two means: (a) e-mail attachment to Kimberly.Tran@state.ma.us ((617) 305-3768) using a WordPerfect-compatible format, naming the document with a ".wpd" suffix and identifying in the e-mail the case caption, docket number, party and title of pleading; or (b) on a 3.5" floppy diskette, IBM-compatible format, using a file format compatible with Word Perfect 5.0 or higher and providing the case caption, docket number, party and title of pleading. A copy of the comments will be available for public inspection and/or purchase at the Department's offices during business hours. In addition, all comments submitted electronically will be posted on the Department's website at <http://www.magnet.state.ma.us/dpu/gasunb.htm>.

Finally, to provide further opportunity for comment, and pursuant to G.L. c. 30A, §§ 2 and 4, and 220 C.M.R. § 2.05, the Department will hold a public hearing on Friday, February 4, 2000, at 10:00 a.m., at the Department's offices, One South Station, Boston, Massachusetts.

Any person desiring further information regarding this Legal Notice should contact:

A. Quincy Vale, Hearing Officer

Department of Telecommunications and Energy

One South Station

Boston, MA 02110

(617) 305-3500

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By Order of the Department,

Mary L. Cottrell, Secretary